

REMARKS

Claims 1-74 are pending in the application.

Claims 16-33 and 57-74 have been withdrawn from consideration.

Claims 1-15 and 34-56 have been rejected.

Claim 34 has been amended to correct minor informalities.

No new matter has been added.

Reconsideration of the Claims is respectfully requested.

1. Rejection under 35 U.S.C. Section 103

In general, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

Although the Supreme Court, in re-confirming the *Graham* factors, had admonished the use of the teaching-suggestion-motivation (TSM) test as an end of the obviousness inquiry, "[the Court] also recognized that [the teaching-suggestion-motivation (TSM) rationale] was one of a number of valid rationales that could be used to determine obviousness." MPEP § 2143 at 2100-118 (Rev. 6, Sept. 2007). Under this rationale, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Also, a finding is to be articulated that there was a reasonable expectation of success. MPEP § 2143 (G) at page 2100-138 (Rev. 6, Sept. 2007).

Further, all claim limitations must be considered. That is, "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." MPEP § 2143.03 at page 2100-142 (Rev. 6, Sept. 2007) (citations omitted).

Claims 1-3, 10-14, 42-44, and 51-55 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,574,964, to Hamlin ("Hamlin"), in view of U.S. Published App. No. 2004/0255326, to Hicks ("Hicks").

Claims 4-5 and 45-46 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hamlin and Hicks, in view of U.S. Patent No. 6,311,204, to Mills ("Mills").

Claims 6-7 and 47-48 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hamlin, Hicks and Mills as applied to claim 4 above, and further in view of U.S. Patent No. 6,901,153, to Leone ("Leone").

Claims 8-9 and 49-50 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hamlin and Hicks as applied to claims 3 and 44 above, and further in view of U.S. Patent No. 6,295,319, to Sueyoshi ("Sueyoshi").

Claims 15 and 56 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hamlin, in view of U.S. Patent No. 5,995,709, to Tsuge ("Tsuge").

Claims 34-37 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,708,961, to Hylton ("Hylton"), in view of Hamlin.

Claims 38-39 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hylton and Hamlin, in view of U.S. Patent No. 5,838,383, to Chimoto ("Chimoto").

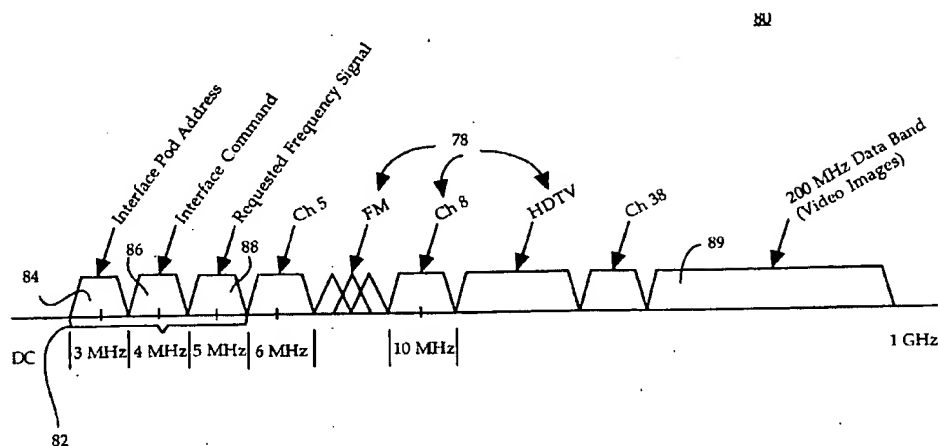
Claim 40 was rejected under 35 U.S.C. 103(a) as being unpatentable over Hylton and Hamlin, in view of U.S. Patent No. 7,068,677, to Arai ("Arai").

Claim 41 was rejected under 35 U.S.C. 103(a) as being unpatentable over Hylton and Hamlin, in view of Leone.

Hamlin relates to a "system and method for using a single, preferably preexisting network to distribute multiple received signals having differing formats." (Hamlin 2:1-2).

Hamlin recites a "converter with input terminals for receiving distinct signals of various signal formats or types and an output terminal for transmitting converted signals. The converter converts *each of the distinct input signals into a separate converted frequency signal* which becomes *a component of a common bus signal*, which the converter transmits. . . . The apparatus further includes a system controller which, in response to an inputted command signal, outputs a control signal on the communication bus directing an interface pod at a specific location to transmit a requested separate converted frequency signal to a receiving unit." (Hamlin 8-25).

Hamlin at Figure 5 is recited as a "frequency diagram[, not a data stream,] illustrating frequency band components of the common bus signal 80:"



The common bus signal 80 is a broad frequency band analog signal between zero hertz (0 Hz) and one gigahertz (1 GHz). As discussed above, the mass media signals 22 are each converted by the converter 34 into a separate converted frequency signal 78 component of the common bus signal 80. Band widths of each converted frequency are appropriate for each type of converted signal. In addition, the system controller 38 outputs a control signal 82 that includes an interface pod address signal 84, an interface command signal 86, and a requested frequency signal 88 as components of the common bus signal 80.” (Hamlin 4:52-64).

That is, Hamlin recites a frequency spectrum, not a stream of data in which segments the stream of data are identified for a channel of interest.

Hicks relates to a “digital residential entertainment system [that] is based on a client/server architecture.” (Hicks ¶ 0021). Hicks recites that the “core element of the system is a broadband multimedia gateway (BMG) that can operate both as a multimedia gateway and content server within a client/server architecture. It contains an Ethernet switch that, in a typical embodiment, is capable of data communications of at least 100 Mbps per switch port. The BMG *can receive* video, audio and other forms of multimedia content *from a variety of broadcasts* (e.g., direct digital broadcast satellite TV, digital cable TV, terrestrial broadcast analog and/or digital TV), Intranet, and Internet sources. . . . The BMG can deliver multimedia content to a wide range of information appliances, such as digital televisions, computers, sound systems, electronic book displays, and graphical data tablets.” (Hicks ¶ 0021).

As understood, the delivery of the data is based upon a basic QoS routing, in which the “port router can preserve quality of service (QOS) delivery between end points in the home network (e.g., between TVs and the Digital Residential Entertainment System). The router ensures that the

only digital signal sent on the unique network segment *pertains to the established session between the designated end point devices.*” (Hicks ¶ 0053) (emphasis added). In other words, as understood, Hicks does not isolate a channel of interest, but instead facilitates a data session.

In contrast to Hamlin and to Hicks, Applicant’s Independent Claim 1 recites, *inter alia*, a “method for isolating a channel of interest from a set of channels from a plurality of multimedia sources that include a video network and a local media player, in a multimedia system that includes a multimedia server that is coupled to the plurality of multimedia sources, wherein at least one of the set of channels includes data from the local media player, the method comprises: receiving the *set of channels as a stream of data* via a communication path from the multimedia server; *interpreting segments of the stream of data to identify data of the channel of interest*; *interpreting the data of the channel of interest to determine type of the data*; *processing the data of the channel of interest based on the type of data to produce processed data*; and providing the processed data for display.” (emphasis added).

Also, Applicant’s Independent Claim 42 recites, *inter alia*, a “apparatus for isolating a channel of interest from a set of channels from a plurality of media sources including a media network, a local media player and the Internet, in a multimedia system that includes a multimedia server that is coupled to the plurality of media sources, the apparatus comprises: . . . wherein the memory includes operational instructions that cause the processing module to: receive the *set of channels as a stream of data* as a stream of data from the multimedia server via a communication path; *interpret segments of the stream of data to identify data of the channel of interest*; *interpret the data of the channel of interest to determine type of the data*; *process the data of the channel of interest based on the type of data to produce processed data*; and provide the processed data for display.” (emphasis added).

With respect to Applicant’s Independent Claim 34, the proposed combination of Hylton with Hamlin is cited.

Hylton relates to “wireless distribution to a plurality of terminal devices from a common transmitter.” (Hylton 2:59-62). Hylton does not recite, *inter alia*, a bi-directional communication medium. As noted above, Hamlin is a frequency band device, not a stream of data device.

Applicant’s Independent Claim 34 recites, *inter alia*, a “client module for use in a multimedia system that includes a multimedia server that is coupled to a plurality of multimedia sources including a video network and the Internet, the client module comprises: *network interface*

controller operably coupled to receive encoded channel data that represents a set of channels via a communication path from the multimedia server, the set of channels including at least one channel for providing a user with bidirectional access to the Internet, wherein the network interface controller extracts data relating to a channel of interest from the encoded channel data; video decoder operably coupled to decode the data relating to the channel of interest to produce decoded video data; memory operably coupled to store the decoded video data; and rendering module operably coupled to retrieve the decoded video data from the memory and to render video images from the decoded video data.” (emphasis added).

With respect to the remaining references, Applicant respectfully submits that its Application is improperly used as the motivation for the use of the references, as they are cited as piecing together elements found within Applicant’s own disclosure. The Federal Circuit has noted that “an examiner may often find every element of a claimed invention in the prior art. If identification of each claimed element in the prior art were sufficient to negate patentability, very few patents would ever issue. Furthermore, rejecting patents solely by finding prior art corollaries for the claimed elements would permit an examiner to use the claimed invention itself as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention. Such an approach would be ‘an illogical and inappropriate process by which to determine patentability.’” *In re Rouffet*, 149 F.3d 1350, 1357 (Fed. Cir. 1998); *see also In re Translogic Technology, Inc.*, 504 F.3d 1249 (Fed. Cir. Oct. 12, 2007) (referring to *In re Rouffet*).

For example, Mills relates to “video, audio, graphics, input/output and other processing functions in set top box applications.” (Mills 1:25-28). Mills was cited as providing reference to YUV signaling.

Also, Leone relates to “a software/hardware hybrid decoder that takes advantage of processing capabilities of graphics coprocessors to perform the motion compensation portion of video decoding.” (Leone 1:36-40). Leone, and Sueyoshi were each cited as providing signal processing, or decoding, capabilities.

Applicant respectfully submits that there has not been a *prima facie* showing that substantiates the rejection of Applicant’s claimed invention. There is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the cited references of the frequency spectrum device of Hamlin with the router device of Hicks to achieve Applicant’s claimed invention as set out in

Independent Claims 1 and 42 and the claims that depend directly or indirectly therefrom, or the proposed combination of the transmission device of Hylton with the frequency spectrum device of Hamlin and to achieve Applicant's claimed invention as set out in Independent Claim 34, and the claims that depend directly or indirectly therefrom.

Further, Applicant respectfully submits that the proposed combinations do not teach or suggest all the claim limitations as set forth by the language of Applicant's claimed invention as set forth above.

2. Conclusion

As a result of the foregoing, the Applicant respectfully submits that Claims 1-15 and 34-56 in the Application are in condition for allowance, and respectfully requests allowance of such Claims.

If any issues arise, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at ksmith@texaspatents.com.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Garlick Harrison & Markison Deposit Account No. 50-2126.

Respectfully submitted,

Date: **July 10, 2008**

/Kevin L. Smith/
Kevin L. Smith, Reg. No. 38,620
Attorney for Applicant

Garlick Harrison & Markison
P.O. Box 160727
Austin, Texas 78716-0727
(972) 772-8836/office
(972) 772-5033/facsimile